IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9537 of 2005

Between:

1 K. Siva Kumar S/o. K. Siddanna
R/o. H.No. 11/362, Rachappa Bhavi Street,

Kalyandurg, Anantapur District.
2 K.R. Muralidhar S/o. K,. Rama Rao
R/o. Karikera, Madakasira Mandal, Anantapur District.
3 T. Sivaraju S/o. T. Chikkarangappa
R/o. Tubilakunta Village, Rolla Manda Anantapur District.

.... PETITIONERS

AND

1 The Project Director, District Poverty Eradication Programme

Anantapur.
2 The District Medical and Health Officer, Anantapur.
3 The Project Director. District Rural Development Agency,

Anantapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in not considering the claim of the petitioners for appointment to the post of Lab Technicians in Primary Health Centres in pursuance of the circular issued by the 1st respondent in Rc.No. 607/DPIP(Velugu) Anantapur dt. 14-12-2004 as illegal, arbitrary and consequently direct the respondent to appoint the petitioners as Lab Technicians.

Counsel for the Petitioner:Mr.O.MANOHER REDDY

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioners praying for issue of a writ of Mandamus declaring the action of the respondents in not considering the claim of the petitioners for being appointed to the post of Lab Technicians in Primary Health Centres in pursuance of the circular issued by the 1st respondent in Rc.No.607/DPIP (Velugu)/Ananthapur, dated 14-12-2004 as illegal and arbitrary and consequently direct the respondents to appoint the petitioners as lab technicians.

According to the petitioners, the 1st petitioner is a graduate in science while the petitioners 2 and 3 have completed Intermediate in Science. All the three petitioners have done the diploma in lab technician course. It is stated that the 3rd respondent who is the Project Director has sent the petitioners during the year 1996-97 to the Lab Technician course under self-employment scheme and accordingly they have completed the Lab Technician Course. In the process of completion of the said course, the 3rd respondent had paid the entire expenses including the educational fees and college fees etc. Thereafter it is stated that the 1st respondent issued the notification calling for the applications to select the candidates for the post of T.B. Health Volunteers and Lab Technicians (Male and Female). The 1st respondent also issued a circular dated 14-12-2004 for all Mandal Samakhya members stating that the 2nd respondent desires that the Mandal Samakhya shall identify the eligible candidates and recommend their names for filling up the posts of Lab Technicians and T.B. Health volunteers to the District Health and Medical Officer. In pursuance thereof the petitioners were selected and recommended to the District Committee, but the petitioners cases were rejected on the ground that the Lab Technician Course undergone by the petitioners was not recognized. The grievance of the petitioners is that when once they were allowed to undergo the diploma in Lab Technician Course as per the directions of the 3rd respondent who paid the entire expenses for that course, it is not appropriate for the respondents to claim that the Lab Technician Course undergone by the petitioners is not recognized and

therefore, they are not eligible for being appointed as Lab Technicians.

A counter is filed on behalf of the respondents claiming that as per the circular issued by the 1st respondent it is only the diploma issued by the NIMS, Hyderabad which is eligible to be considered as a qualification for being appointed as a Lab Technician.

The learned G.P. also contended that the petitioners were selected by the institutions where they had undergone Lab Technician Course though the financial assistance was extended by 3rd respondent-the Project Director, District Rural Development Agency, Anantapur.

However, it is not disputed that if the institution where the petitioners have selected to undergo the Lab Technician Course was not recognized for any employment purpose, it is not known how governmental agencies would extend the financial assistance to undergo such courses and finally after completion of the said course to declare that the training undergone by the students is not recognized for the purpose of employment. It is unfair on the part of the governmental organizations. In fact it is for the governmental authorities to see that no unrecognized institution imparts education or confers any degrees or diplomas. On the other hand, the claim of the respondents clearly shows that they had no concern with the conducting of courses by the unrecognized private agencies. In the present case, the claim of the petitioners is that they have undergone the Lab Technician Course of one year as sponsored by the 3rd respondent under self-employment scheme. When once they have undergone the said course, it is not open to the respondents to reject the same specially when it was financed by the 3rd respondent. I find merit in the said contention as the respondents who were the agencies of the Government having sponsored the course to the petitioners to undergo the said Lab Technician Course, it is not open to contend that the said course is not recognized.

Under the above circumstances, the respondents are directed to consider the cases of the petitioners for being appointed as Lab Technicians, taking the diploma in Lab Technician course, which they have undergone as valid and proper for being

considered for appointment as Lab Technicians. If there are any deficiencies in the training that had undergone by the petitioners, it is open to the respondents to provide further training to them.

Accordingly, the writ petition is disposed of. No costs.

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S. ANANDA REDDY, J.

Dated: 19..07..2005.

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To

1 The Project Director,

District Poverty Eradication Programme,

Anantapur.

2 The District Medical and Health Officer,

Anantapur.

3 The Project Director,

District Rural Development Agency,

Anantapur.

4 Two CCs to G.P.for Medical and Health, High Court of A.P.,

High Court buildings, Hyderabad.(OUT)

5 Two CD copies